

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**CM ENERGY, GP AND ITS SUBSIDIARIES
CM ENERGY HOLDINGS, LP, CM ENERGY
FACILITIES, LP AND CM ENERGY
OPERATIONS, LP, SUCCESSORS TO
JUSTICE HIGHWALL MINING, INC.**

and

Case 06-CA-202855

**INTERNATIONAL UNION, UNITED MINE
WORKERS OF AMERICA, DISTRICT 17
AFL-CIO, CLC**

and

Case 06-CA-200465

THOMAS McCOMAS

and

Case 06-CA-198911

NICHOLAS CODY DOVE

ORDER

The Respondent's Motion to Dismiss the consolidated complaint is denied. We find no merit in the Respondent's contentions that the Board lacks jurisdiction over this matter under Section 10(b) of the Act.

Dated, Washington, D.C., February 14, 2020.

JOHN F. RING,

CHAIRMAN

MARVIN E. KAPLAN,

MEMBER

WILLIAM J. EMANUEL,

MEMBER